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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,925	12/19/2000	Hans-Joachim Muschenborn	12964.20	5915

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DR. HANS-GOACHIM MUSCHENBORN
BUNDESSTR. 7
CH-6304 ZUG
SWITZERLAND, CH-6304
SWITZERLAND

EXAMINER

COLLINS, SCOTT M

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 07/08/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 09/740,925	Applicant(s) MUSCHENBORN, HANS-JOACHIM	
	Examiner Scott M. Collins	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2, 7</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-36 examined.
2. It is hereby acknowledged that the following papers have been received and placed of record in the file: Pre-Amendment A on 12/19/2000, Information Disclosure Statements on 02/13/2001 and 05/07/2001, Priority Documents on 04/02/2001, Change of Address on 12/01/2001, and a Withdrawal of Attorney on 06/25/2002.

Information Disclosure Statement

3. The information disclosure statement filed 09 February 2001 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

Specification

4. The spacing of the lines of the specification is such as to make reading and entry of amendments difficult. New application papers with lines double spaced on good quality paper are required.
5. The claims are objected to because the lines are crowded too closely together, making reading and entry of amendments difficult. Substitute claims with lines one and one-half or double spaced on good quality paper are required. See 37 CFR 1.52(b).

Drawings

6. The drawings are objected to because figure 1-5a are unacceptable for examination. The drawings are no more than boxes, letters, and lines and are incomprehensible apart from the specification. Please replace these figures with figures that describe the components and their connectivity.

7. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

8. Claims 1-36 are objected to because they are not clear, concise, and exact. Applicant is requested to revise the claims carefully using proper idiomatic English and separating limitations in order to better comply with 37 C.F.R. 1.75.

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9. Claims 16 and 20 are objected to because of the following informalities: While being amended, the claims have been left dependent upon "claim wherein". That is, the old dependency has been removed and a new one has not been added. Appropriate correction is required.

10. Claim 1 is objected to because of the following informalities: the phrase "an arbitrary number of physically with..." is incomprehensible. Appropriate correction is required.

11. Claim 22 is objected to because of the following informalities: the phrase "on at least two of its connections different protocols" is incomprehensible. Appropriate correction is required.

12. Claims 26, 27, 29, 30, 32, and 33 are objected to because they utilize the term "protocol" for which there is no antecedent basis in claim 1 from which they depend. Appropriate correction is required.

13. Numerous claims use the term "connection build-up" – please explain this phrase further. The examiner understands the phrase to be synonymous with "connection establishing".

Claim Rejections - 35 USC § 112

14. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

15. Claims 22-25 recite the limitation "the protocols". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

16. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

17. Claims 1-36 rejected under 35 U.S.C. 102(b) as being anticipated by Held, U.S. Patent Number 5,699,518 (herein referred to as Held). It should be noted that all claims have been reinterpreted and restated as the examiner could best understand them in light of the objections stated above.

18. Referring to claim 1, Held has taught a network system comprising a server with a service unit and a client physically connected (Held figure 2). Wherein the server executes at least one central process, the service unit executes at least one critical service, the client executes an arbitrary number of threads (Held figures 2 and 3; and abstract), and wherein the at least one critical service can accept at least one connection to or from the at least one central process, and wherein on top of said connection(s) between the critical service(s) and the central process(es) no further connections can be accepted by threads running on the service unit (Held column 5, lines 11-23; and column 15, line 59 – column 16, line 16), and wherein direct connections between client threads and the server can be established, such that data stored on the service unit is accessible for the central processes only via a critical service and for the client process only via a central process and a critical service (Held figures 2 and 3; abstract; column 5, lines 11-23; and column 15, line 59 – column 16, line 16).

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19. Referring to claim 2, Held has taught assigning a logical identification to a service that allows communication to the service (Held figure 2 and column 8, line 55 – column 9, line 30 where the stored listing of services logically identifies the services from one another.).

20. Referring to claims 3-5, Held has taught the clients being physically connected to the server and the clients only being able to connect to one another via the server which checks the authorization data of the client (Held figure 2 where at least all of the clients' communication data passes through the server when communicating to one another.).

21. Referring to claims 6-13, Held has taught a client logging on to the server where the server provides an open connection end point at all times and authenticates the client with stored authentication data (Held column 8, lines 7-40 where in order for a client to log on to a server, there must be an open connection end point and a way to authenticate the client's access to the server (usually a username and password)).

22. Referring to claims 14 and 20, Held has not expressly disclosed the connection endpoints or the at least one central process being assigned randomly or pseudo-randomly. However, the examiner takes Official Notice that connections can only be assigned either with some type of order or without order (that is, randomly). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to assign connections with no particular order. One of ordinary skill in the art would have been motivated to do this because to create a type of order to the assigning of connections would place extra burden on the system and thus the system can execute more efficiently by simply assigning connections as they are available (which without order – makes it pseudo-random.).

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23. Referring to claims 15 and 21, Held has not expressly disclosed the identification of the connection endpoint being transmitted in an encrypted message. However, the examiner takes Official Notice that the only way to protect the security of the identification of the connection would have been to announce its identification only in an encrypted message. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to disclose the identification of the connection endpoint in an encrypted message. One of ordinary skill in the art would have been motivated to do this in order to protect the integrity and security of identification of the connection (Held column 8, lines 7-40).

24. Referring to claims 16-19, Held has taught the client does not know the physical address of the server, and wherein the client receives from the logon process the physical address of the server with the open connection endpoint (Held column 8, lines 7-40 where in general, when a client logically connects to a server, the client is given the physical address of the server.).

25. Referring to claims 22-28, Held has taught the network system wherein at least one function of a protocol of a service can be activated or deactivated during operation (Held figure 2 and column 8, line 55 – column 9, line 30 where functions of services are used as needed.).

26. Referring to claims 29-34, Held has taught the network system wherein a function of a protocol of a service can be loaded into or removed from the addressable memory space of said service (Held figure 2 and column 8, line 55 – column 9, line 30 where functions are loaded, used, and removed as needed.).

27. Referring to claims 35 and 36, Held has taught the network system wherein the choice of a central process depends on: the authorization of said client thread, or the number of client threads, or on the load of each eligible central process, or on the system demands of said client

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thread, or on the quality and speed of the connection between said client thread and the logon central process or each eligible central process (Held figure 2 and column 8, line 55 – column 9, line 30 where only one of the list of options is required to read on the claims since alternative language is used.).

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Conclusion

28. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


- | | | |
|----|-----------------|------------------------------|
| a. | Swift et al. | U.S. Patent Number 5,719,941 |
| b. | Suarez | U.S. Patent Number 5,790,789 |
| c. | Ackerman et al. | U.S. Patent Number 5,606,696 |
| d. | Heath et al. | U.S. Patent Number 5,553,239 |
| e. | Hu | U.S. Patent Number 5,586,260 |
| f. | Watson et al. | U.S. Patent Number 5,812,784 |
| g. | Mashayekhi | U.S. Patent Number 5,818,936 |
| h. | Wong et al. | U.S. Patent Number 5,835,727 |
| i. | Drury et al. | U.S. Patent Number 5,452,459 |
| j. | Konrad | U.S. Patent Number 5,544,320 |

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott M. Collins whose telephone number is 703.305.7865. The examiner can normally be reached on Mon.-Thurs. 7:30 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 703.308.5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smc
June 14, 2004


DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100